

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-23-T - ORDER NO. 2004-252
MAY 19, 2004

IN RE: Application of Portable Storage of Columbia,) ORDER GRANTING
LLC, 7381 Spartan Blvd. East, North) CLASS E CERTIFICATE
Charleston, SC 29418 for a Class E Certificate)
of Public Convenience and Necessity)

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the matter of Portable Storage of Columbia, LLC’s (“Portable” or the “Company”) Application for a Class E Certificate of Public Convenience and Necessity to transport household goods between points and places in Richland, Lexington, Newberry and Fairfield Counties.

A Notice of Filing was published one time regarding the Application for Certificate in a newspaper of general circulation in accordance with the instructions of the Executive Director of the Commission. The Company filed proof of publication. No Protests or Petitions to Intervene were filed. Accordingly, a hearing on the Certificate was held on April 29, 2004, at 10:30 a.m. with the Honorable Mignon L. Clyburn, Chair, presiding. The Company was represented by David Popowski, Esquire. The Company presented the testimony of three witnesses in support of its Application.

Russell Houston, the minority shareholder of the Company, was the first to testify. Mr. Houston testified that the Company is a franchisee of PODS, Inc. of Clearwater, Florida. PODS franchisees furnish large portable containers called “PODS”

(Portable on Demand Storage) to persons at their homes or businesses for storage of any items that they deem appropriate, including household goods. Once loaded by the householders, the PODS are then transported by the Company to either a storage facility, or other locations, including residences. The POD is also unpacked by the individual homeowners, and not the Company.

In conjunction with Mr. Houston's testimony, the Company presented a video to the Commission demonstrating the PODS process. The Commission and all other persons attending the hearing then adjourned to the exterior of the Commission building to see an actual demonstration of the unloading of a POD from a truck to a space on the ground. The Commission was also able to view the interior of a POD. Upon the return of the Commission to the hearing room, Mr. Houston testified that the Company has entered into 5-year leases for two International trucks and one Yale lift truck. The Company has arranged to lease a 30,000 square foot warehouse at 2118 Commerce Drive, Cayce, South Carolina 29033. It has also ordered 450 PODS. The Company has received a satisfactory safety rating from the South Carolina Department of Public Safety, and Mr. Houston stated that the Company is familiar with the Commission's safety regulations. We have examined the Company's equipment and financial status and are satisfied that these are favorable, along with Mr. Houston's past experience. There are no judgments against the Company.

Allan Ackerman, a real estate broker with REMAX in Columbia, South Carolina, was the next to testify on behalf of the Company. Mr. Ackerman testified that to his knowledge there were no similar services such as PODS in Newberry, Richland,

Lexington and Fairfield Counties and thus there exists a need for the proposed service in the geographical area sought by the Company. He stated that PODS will be particularly useful for “do-it-yourselfers” such as college students and members of the military, including those at Fort Jackson, South Carolina. Mr. Ackerman also testified that he has begun working with relocation companies and that PODS will provide an option to full-service moving companies.

The final witness testifying on behalf of the Company was Mr. David Blake. Mr. Blake serves as the Vice President of Retail Operations for PODS, Inc. He testified that PODS, Inc. sold the franchise for this geographical area to the Company because the same individuals are also the members of Charleston Portable Storage, LLC. Charleston Portable was granted a Class E Certificate by the Commission in an Order dated December 21, 2001, and serves Berkeley, Dorchester, and Charleston Counties. Mr. Blake testified that Charleston Portable has operated its franchise very successfully and that this success shows that the public desires the type of service offered by PODS. He also stated that the success of the PODS concept has exceeded the expectations of its founder and is in great demand throughout the country.

South Carolina Code Ann. Section 58-23-590(C)(Supp. 2003) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission’s regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find the Applicant Portable Storage of Columbia, LLC has demonstrated that it is fit, willing, and able to perform the services sought by its Application. The testimony of Company witness Houston reveals that Columbia is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of all the witnesses indicate that the proposed service is required by the present public convenience and necessity. Prior to the testimony at the hearing, Counsel for the Company and the staff of the Commission noted that Charleston Portable Storage, LLC received an authority description tailored to PODS. The Company agreed to amend its Application to incorporate that description except the word “containers” will be replaced with “portable storage units”. Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission’s regulations, we find sufficient evidence to grant the Application and therefore grant authority to Portable Storage of Columbia, LLC as follows:

Household Good, As Defined in R. 103-210(1):

Between points and places in Richland, Lexington, Newberry, and Fairfield Counties, South Carolina and restricted to delivery of empty 16’x8’x8’ and 12’x8’x8’ portable storage units to shipper origins, loading by the shipper, and pickup and delivery of shipper-loaded portable storage units to shipper destinations or a warehouse with shipper-loaded portable storage units subsequently delivered from the warehouse to shipper destinations.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The Application of Portable Storage of Columbia, LLC for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods as described above.

2. Portable Storage of Columbia, LLC shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by R.103-100 through R. 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through R. 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to Portable Storage of Columbia, LLC authorizing the motor carrier services granted herein.

4. Prior to compliance with the above referenced requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Commission proof of appropriate insurance, and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission

additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

6. The Order shall remain in full force and effect until the further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Mignon L. Clyburn, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)